

Application No. 10/712,974
Amendment dated February 25, 2008
Reply to Final Office Action of September 25, 2007
Attorney Docket No. 5329-031963

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 3700

AMENDMENTS TO THE DRAWINGS

Applicant submits the enclosed substitute drawings to correct the informalities as noted by the Examiner in the Office Action dated September 25, 2007.

Attachment: Replacement Sheets (5)

REMARKS

This Amendment cancels claims 3, 7-11, 16, 17, 19 and 20 and amends claims 1 and 18 in accordance with the original disclosure. Support for the claim amendments is found, for example, in the cancelled claims; in the specification at paragraphs [0024] and [0025]; and in Fig 4. Claims 1, 4, 5 and 18 remain in this application.

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

The previously submitted Amendment was deemed "non-compliant" because deletions of five or fewer characters using strikethrough were not readily readable. The Examiner required that Applicant amend the previous Amendment to use double brackets instead of strikethrough for deletion of five or fewer characters. In response, Applicant submits the above amendments using double brackets instead of strikethroughs to show the deletion of five or fewer characters. Acceptance of the Corrected Amendment and allowance of claims 1 and 18 are respectfully requested.

IN THE DRAWINGS

The originally filed drawings were objected to by the Examiner for having poor line quality. In response, Applicant encloses herewith new drawings having improved line quality. Approval of the enclosed drawings is respectfully requested.

CLAIM OBJECTION

Claim 8 was objected to for improper dependency. As set forth above, Applicant has cancelled claim 8, thereby rendering this rejection moot.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1, 3-5, 7, 9-11, 16 and 17 were rejected for use of the term "non-rotary path" in claim 1. As set forth above, Applicant has amended claim 1 to delete this phrase and to insert the phrase "movable up and down" as recited in the application at paragraph [0024]. In view of this Amendment, reconsideration of the rejections under 35 U.S.C. § 112 is respectfully requested.

PRIOR ART REJECTIONS

Claims 1, 3-5, 9-11 and 18 stand rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 3,487,623 to Easter. Claims 7, 16, 17, 19 and 20 stand rejected under 35 U.S.C. § 103(a) for obviousness over the teachings of Easter in view of U.S. Patent No. 6,432,152 to Frerich. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to an industrial truck comprising a radiator, a cooling air line and a filter device located in the flow path of the cooling air line. The filter device includes a stationary screen non-removably integrated into the cooling air line. A cleaning device is effectively connected with the screen. The cleaning device includes a single wiper movable up and down along an outside surface of the screen. The wiper is fastened to a lever arm connected with a hand lever located outside the cooling air line such that the lever arm is manually actuated from outside the cooling air line. A tube connected to a suction device and having a plurality of openings is located underneath the screen.

Easter discloses an air filtration system having a wire screen 21 spaced from a radiator 11. Nylon brushes 31 and 32 are movable back and forth on the screen 21. The brushes, 31, 32 are attached to arms 36, 38 connected to a rotatable shaft 39. To provide the sweeping movement for the arms, the wipers are connected to a source of rotational movement supplied by a conventional electric, hydraulic or vacuum motor (Easter at column 2, lines 67-71).

Frerich discloses an engine cooling assembly in which rotating brushes 46, 48 and 50 contact the front of a sieve 36 located in front of a cooler 32. The brushes 46, 48 and 50 are located one above the other and rotate independently around a common axis 52. A suction device 54 is arranged on the side of the sieve 36 opposite the brushes 46, 48 and 50.

Neither Easter nor Frerich, either alone or in combination, fairly teaches or suggests the invention as set forth in amended claim 1 comprising a cleaning device having a single wiper movable up and down along an outside surface of the screen, with the wiper fastened to a lever arm connected with a hand lever located outside the cooling air line such that the lever arm is manually actuated from outside the cooling air line. Nor do these references teach or suggest a suction device in the form of a tube having a plurality of openings located underneath the screen. Therefore, claim 1, as amended, is believed

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patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 1 is respectfully requested.

Claims 4 and 5 depend from claim 1 and are believed allowable for substantially the same reasons as claim 1.

Independent claim 18 is directed to an industrial truck comprising a radiator, a cooling air line, a stationary filter screen non-removably installed in the cooling air line, and a cleaning device operatively connected to the filter screen. The cleaning device comprises a wiper comprising a brush configured to contact a surface of a filter screen. The wiper is connected to a lever arm connected to a hand lever located outside of the cooling air line such that the lever arm is manually actuated from outside the cooling air line. The lever arm is in the form of a parallel arm. The device further includes a tube having a plurality of openings and positioned under the filter screen and in flow communication with a suction device.

Neither Easter nor Frerich, either alone or in combination, fairly teaches or suggests the industrial truck as set forth in amended claim 18 having a cleaning device comprising a brush configured to contact a surface of the filter screen, with the brush connected to a lever arm connected to a hand lever located outside of the cooling air line such that the lever arm is manually actuated from outside the cooling air line. Nor do these references teach or suggest the tube having a plurality of openings positioned under the filter screen and in flow communication with a suction device to remove material that falls from the screen. Therefore, claim 18, as amended, is believed to be patentable over the cited prior art and in condition for allowance. Reconsideration of the rejection of claim 18 is respectfully requested.

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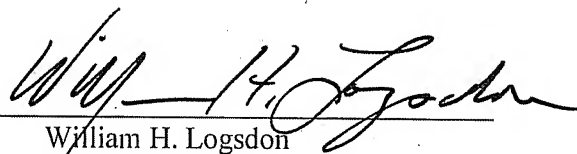
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CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejections and objections and allowance of claims 1, 4, 5 and 18 are respectfully requested.

Respectfully submitted,
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